
TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #21-301(E)

DIGEST

Amends [71 IAC 2-8-2](#) regarding confidentiality. Adds [71 IAC 8-6-3](#) regarding use of bisphosphonates. Adds [71 IAC 8.5-5-3](#) regarding use of bisphosphonates. Effective July 16, 2021.

[71 IAC 2-8-2](#); [71 IAC 8-6-3](#); [71 IAC 8.5-5-3](#)

SECTION 1. [71 IAC 2-8-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 2-8-2](#) Confidentiality

Authority: [IC 4-31-3-9](#); [IC 4-31-6-2](#)

Affected: [IC 4-31](#); [IC 5-14-3](#)

Sec. 2. (a) The following information submitted, collected, or gathered as part of an application to the commission for a license as required by [71 IAC 5-1-1](#) or [71 IAC 5.5-1-1](#) is confidential for purposes of [IC 5-14-3-4](#):

- (1) A Social Security number.
- (2) A date of birth.
- (3) A home address.
- (4) A home or personal cellular telephone number.
- (5) An email address.
- (6) Name of current or former spouse, including maiden name or alias, or both.
- (7) Name of emergency contact.
- (8) Telephone number of emergency contact.
- (9) State and city of applicant's birth.
- (10) Any information concerning a victim of domestic violence, sexual assault, or stalking.
- (11) Any information concerning a minor child of the applicant or a minor participating in a program under the jurisdiction of the commission.
- (12) All information classified as confidential by [71 IAC 9-2.1-7](#).

(b) An individual who holds, held, or has applied for a commission license under this article may waive the confidentiality requirements of subsection (a).

(c) Any disclosable data under [IC 5-14-3](#) received, by any person making a request, on disk, on tape, on other electronic media or memory, by download, by electronic file, through a service, or any similar method may not use the information for commercial purposes, including to sell, advertise, or solicit the purchase of merchandise, goods, or services, or sell, loan, give away, or otherwise deliver the information obtained by the request to any other person or entity for these, or similar, purposes.

(d) Use of information received under subsection (c) in connection with the publication of news, for nonprofit activities, or for academic research is not prohibited.

(e) A horsemen's association duly registered with the commission, as provided by [71 IAC 13-1](#), may obtain confidential contact information for licensed owners or trainers, or both, listed in subsection (a)(3) for the purpose of board elections upon written request and the signing of an agreement to maintain the confidentiality of the information provided, and to destroy the information no later than fifteen (15) days after the board election. If the registered horsemen's association receiving the information is utilizing services of third parties to assist with the election process, those third parties must also sign an agreement to maintain the confidentiality of the information and destroy the information no later than fifteen (15) days after the board election.

(Indiana Horse Racing Commission; [71 IAC 2-8-2](#); emergency rule filed Dec 5, 2019, 1:56 p.m.: [20191211-IR-071190646ERA](#); emergency rule filed Jul 16, 2021, 11:00 a.m.: [20210721-IR-071210301ERA](#))

SECTION 2. [71 IAC 8-6-3](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8-6-3](#) Use of bisphosphonates

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 3. (a) It is a prohibited practice to administer bisphosphonates to any horse under four (4) years of age. Horses four (4) years of age or older may only be administered bisphosphonates under the following circumstances:

(1) Only bisphosphonates that are FDA approved for use in the horse may be administered according to label requirements and only for diagnosed cases of navicular disease.

(2) If a horse older than four (4) years of age is administered bisphosphonates, the commission must be notified within twenty-four (24) hours of administration and the horse shall be placed on the veterinarian's list for no less than six (6) months after the last administration. Prior to returning to racing, the horse must qualify and perform in such a manner that is satisfactory to the official veterinarian. The official veterinarian, the judges, or a commission designee may order additional testing for a returning horse at their discretion.

(b) If any bisphosphonate is detected in an out of competition or post-race test sample and the commission has not received timely notification of an administration, the detection shall be treated as a finding of a foreign substance pursuant to [71 IAC 8-1-2](#). The horse shall be placed on the veterinarian's list for no less than six (6) months from the date of sampling. Prior to returning to racing, the horse must qualify and perform in such a manner that is satisfactory to the official veterinarian. The official veterinarian, judges, or a commission designee may order additional testing for a returning horse at their discretion.

(c) The penalty for violation of this rule shall be consistent with the classification for bisphosphonates set forth in the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule, as revised by ARCI in 2020 and any other subsequent revision after said date, which are incorporated herein by reference, copies of which are available at the commission office.

(Indiana Horse Racing Commission; [71 IAC 8-6-3](#); emergency rule filed Jul 16, 2021, 11:00 a.m.: [20210721-IR-071210301ERA](#))

SECTION 3. [71 IAC 8.5-5-3](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8.5-5-3](#) Use of bisphosphonates

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 3. (a) It is a prohibited practice to administer bisphosphonates to any horse under four (4) years of age. Horses four (4) years of age or older may only be administered bisphosphonates under the following circumstances:

(1) Only bisphosphonates that are FDA approved for use in the horse may be administered according to label requirements and only for diagnosed cases of navicular disease.

(2) If a horse older than four (4) years of age is administered bisphosphonates, the commission must be notified within twenty-four (24) hours of administration and the horse shall be placed on the veterinarian's list for no less than six (6) months after the last administration. Prior to returning to racing, the horse must satisfy the requirements for removal from the veterinarian's list set forth in [71 IAC 8.5-8-1\(f\)](#).

(b) If any bisphosphonate is detected in an out of competition or post-race test sample and the commission has not received timely notification of an administration, the detection shall be treated as a finding of a foreign substance [71 IAC 8.5-1-2](#). The horse shall be placed on the veterinarian's list for no less than six (6) months from the date of sampling and be required to work for the official veterinarian as set forth in [71 IAC 8.5-8-1\(f\)](#).

(c) The penalty for violation of this rule shall be consistent with the classification for bisphosphonates set forth in the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule, as revised by the ARCI in 2020 and any other subsequent revision effective after said date, which are incorporated herein by reference, copies of which are available at the commission office.

(Indiana Horse Racing Commission; [71 IAC 8.5-5-3](#); emergency rule filed Jul 16, 2021, 11:00 a.m.: [20210721-IR-071210301ERA](#))

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Documents Incorporated by Reference: ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule, revised December 2020

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